

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH ARTHUR KETOLA,

Petitioner,

Case No. 1:11-cv-135

v.

HON. ROBERT HOLMES BELL

P. KLEE,

Respondent.

/

**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION**

On October 19, 2011, Magistrate Judge Joseph G. Scoville issued a Report and Recommendation (“R&R”) recommending that Petitioner Joseph Arthur Ketola’s motion to stay proceedings (Dkt. No. 17) be denied. (Dkt. No. 18.) This matter is before the Court on Plaintiff’s objections to the R&R. (Dkt. No. 19.)

This Court makes a *de novo* determination of those portions of an R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). “[A] general objection to a magistrate’s report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). The Court may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations. *Id.*

The Magistrate Judge recommended that Petitioner's motion to stay the case so that Petitioner would have an opportunity to exhaust two ineffective assistance of counsel claims in state court (Dkt. No. 17) should be denied because Petitioner did not show good cause for failure to raise these claims on appeal. In his motion, Petitioner claimed ignorance of the law and also stated that his appellate counsel was ineffective for not raising the issue. The R&R found that Plaintiff could not establish ineffective assistance of appellate counsel because he had not shown that inclusion of the issue would have a reasonable probability of changing the result of the appeal. (Dkt. No. 18 at 3.)

Petitioner now objects to the Magistrate Judge's analysis, claiming that the R&R mischaracterizes his proposed state court motion. (Dkt. No. 19.) However, Plaintiff does not show a reasonable probability that the outcome of his appeal would have been different. Plaintiff has not established ineffective assistance of appellate counsel or other good cause for the failure to raise the alleged ineffective assistance of trial counsel on appeal. Accordingly,

IT IS HEREBY ORDERED that the October 19, 2011, R&R (Dkt. No. 18) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Petitioner's motion for stay (Dkt. No. 17) is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's fourth and fifth grounds for relief are **DISMISSED**.

Dated: March 9, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE